

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Clinton "Pete" Strokland and Rebecca)	
"Becky" Strokland,)	
)	ORDER DENYING DEFENDANT
Plaintiff,)	THOMPSON/CENTER ARMS
)	COMPANY, INC.'S MOTION
vs.)	TO STRIKE PLAINTIFFS' MOTIONS
)	IN LIMINE
)	
Thompson/Center Arms Company, Inc.,)	
Blackpowder Shooting Sports, Inc., and)	Case No. 4:06-cv-08
Clean Shot Technologies, Inc.,)	
)	
Defendants.)	

Before the Court is defendant Thompson/Center Arms Company, Inc.'s "Motion to Strike Plaintiffs' Motion in Limine to Preclude Movant's Expert Dr. Sam Fadala as Untimely," filed on November 26, 2007. See Docket No. 195. The Plaintiff filed a response brief on November 27, 2007. See Docket No. 197.

Thompson/Center Arms contends that the Plaintiffs' motions in limine should be stricken from the record as untimely. The non-dispositive motion deadline, which included motions to exclude expert witness testimony, was November 23, 2007. See Docket No. 146. On November, 26, 2007, the Plaintiffs filed three motions in limine to exclude defense experts. See Docket Nos. 182, 188, and 192.

The Plaintiffs contend that the motions in limine were timely when filed on November 26, 2007, because Rule 6 of the Federal Rules of Civil Procedure provides that "[i]n computing any period of time prescribed or allowed ... by order of court ... [t]he last day of the period so computed shall be included, unless it is a Saturday, A Sunday, or a legal holiday, or, when the act to be done is the filing of a paper in court a day on which weather or other conditions have made the office of

the Clerk of District Court inaccessible, in which event the period runs until the end of the next day, which is not one of the aforementioned days.” The Clerk of Court’s office was closed on November 23, 2007. The Plaintiffs’ contend that it was inaccessible pursuant to Rule 6 and therefore the deadline to file non-dispositive motions was “until the end of the next day that was not a Saturday, Sunday, or legal holiday,” in this case November 26, 2007. Further, counsel for the Plaintiffs contacted the Clerk of Court’s office on November 20, 2007, to clarify the deadline for filing the motions and counsel was instructed that Rule 6 applied and the deadline for filing motions would be November 26, 2007.

The Court finds that because of the closure of the Clerk of Court’s office on November 23, 2007, the Plaintiffs’ motions in limine were not untimely when filed. Thompson/Center Arms Company, Inc.’s Motion to Strike (Docket No. 195) is **DENIED**.

IT IS SO ORDERED.

Dated this 28th day of November, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court